

ZB# 04-74

Brian Inkeles

38-1-15

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Approved 1-10-05

ZBA # **04-74** BRIAN INKELES (AREA)
WINDSOR GARDEN DR. (38-1-15)



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE ZONING BOARD OF APPEALS

May 24, 2005

Brian Inkeles
8 Windsor Garden Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-74

Dear Mr. Inkeles:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

In the Matter of the Application of
BRIAN INKELES

MEMORANDUM OF
DECISION GRANTING

**INTERPRETATION
AND/OR AREA
VARIANCE**

CASE #04-74

WHEREAS, Brian Inkeles, owner(s) of 8 Windsor Garden Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Interpretation and/or Area Variance for: Single Family Home with two kitchens or an Area Variance of 50,000 s.f. for a two-family home in an R-5 Zone at 8 Windsor Garden Drive (#38-1-15)

WHEREAS, a public hearing was held on January 10, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, the spectator was neither in opposition to or in favor of the Application however, asked questions; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant proposes to finish a space above the existing garage to house his daughter.
 - (c) The new space will be served by the same utility service which serves the remainder of the house.

- (d) It is the applicant's desire to maintain this as a single-family residence and the space is being created for the use by an immediate family member.
- (e) If the variance is granted, the applicant does not intend to alter the outside or façade of the house. No trees or substantial vegetation will be removed in connection therewith.
- (f) The new addition will not create the ponding or collection of water or divert the flow of water drainage.
- (g) The property does not encroach on any easements, including but not limited to, water, sewer and electric.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The residence is zoned as and exists solely as a single-family residence.
2. The applicant proposes to create a living space for a member of his immediate family, which is allowable under the definition of single-family as it appears in the New Windsor Town Code.
3. The additional changes will not alter the legal status of this property as a single-family residence and, therefore, the changes should be permitted

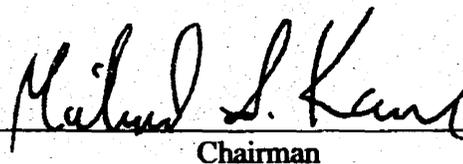
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Interpretation and/or Area Variance for: Single Family Home with two kitchens or an Area Variance of 50,000 s.f. for a two-family home in an R-5 Zone at 8 Windsor Garden Drive (#38-1-15) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated:


Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: November 8, 2004

**APPLICANT: Brian Inkeles
8 Windsor Garden Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/4/04

FOR : Proposed addition of second kitchen & bathroom

LOCATED AT: 8 Windsor Garden Drive

ZONE: R-5 Sec/Blk/ Lot: 38-1-15

DESCRIPTION OF EXISTING SITE: Existing one-family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed alteration of additional second kitchen with new exterior stairs be installed in attic above existing garage will create a two family house, on an existing 15,000sqft lot.**

COPY


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
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ZONE: R-5 USE: Bulk Tables 6-C

MIN LOT AREA:	65,000sqft	15,000sqft	50,000sqft
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MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

NOV 04 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: PA 2004-1401

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BRIAN INKELES

Address 8 WINDSOR GARDEN DR, NEW WINDSOR Phone # 565-5684

Mailing Address 8 WINDSOR GARDEN DR, NEW WINDSOR Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor CHRISTOPHER TANSOSCH

Address 171 QUAKER ST, WALKILL, NY Phone 564-6091
12589

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the NORTH side of WINDSOR GARDEN DRIVE
and _____ (N,S,E or W) feet from the intersection of MAHARAY LANE + ROUTE 32

2. Zone or use district in which premises are situated R-5 Is property a flood zone? Y N

3. Tax Map Description: Section 38 Block 1 Lot 15

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy 1 FAMILY HOUSE b. Intended use and occupancy 1 FAMILY HOUSE WITH TWO KITCHENS

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$ 20,000 Fee \$ 50 or # 3983

dtc 11/1/03

ZONING BOARD

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Brian Jakiles

(Signature of Applicant)
Brian Jakiles

8 WINDSOR GARDEN DRIVE

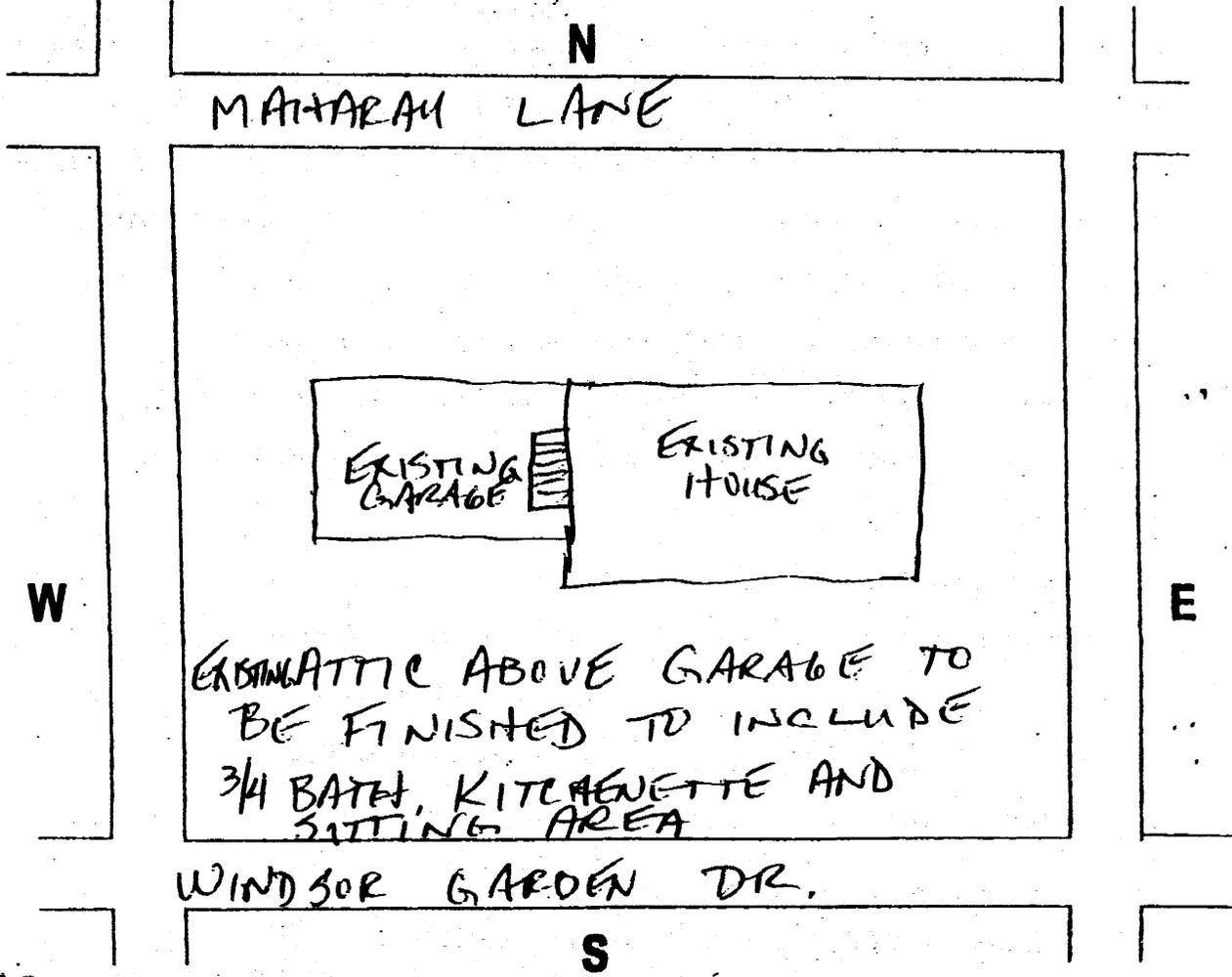
(Address of Applicant)
8 WINDSOR GARDEN DR, NEW WINDSOR

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



CHINA

Additional Explanations to Accompanying Proposal at 8 Windsor Garden Drive

1. Existing attic interior had been completely framed for finishing by builder when the house was built in 2000.
2. There is already some electric in the attic that was installed by the builder in 2000. Additional electrical wiring will be installed by the contractor.
3. The only exterior construction will be the installation of a small skylight in the attic roof in the ¾ bath and an exterior door at the foot of the attic stairs that exits to the driveway. There will be a stoop with 2 or 3 steps with footings and a railing.
4. The ¾ bath will include a toilet, a sink with a vanity, a stall shower and an exhaust fan. Water will be run from the existing dwelling and waste water will return to the existing dwelling for removal.
5. Hot water baseboard will be run from the boiler on a separate zone.
6. The central air conditioning will be extended from the dwelling. The connecting ductwork was already placed by the builder in 2000.
7. The kitchenette will basically be along one wall and include those things normally found therein.
8. An archway will be installed between this finished space and a bedroom on the second floor of the existing dwelling.

N/F LANDS OF
CARLISLE & JAFFE
S 30, B 2, L 1

N/F LANDS OF
CARLISLE & JAFFE
S 30, B 2, L 2

N/F LANDS OF
CARLISLE & JAFFE
S 30, B 1, L 0

N/F LANDS OF
SRATOLA
S 30, B 1, L 3

LANDS OF
CONKLIN
18,750 SF.
0.43 ACRES

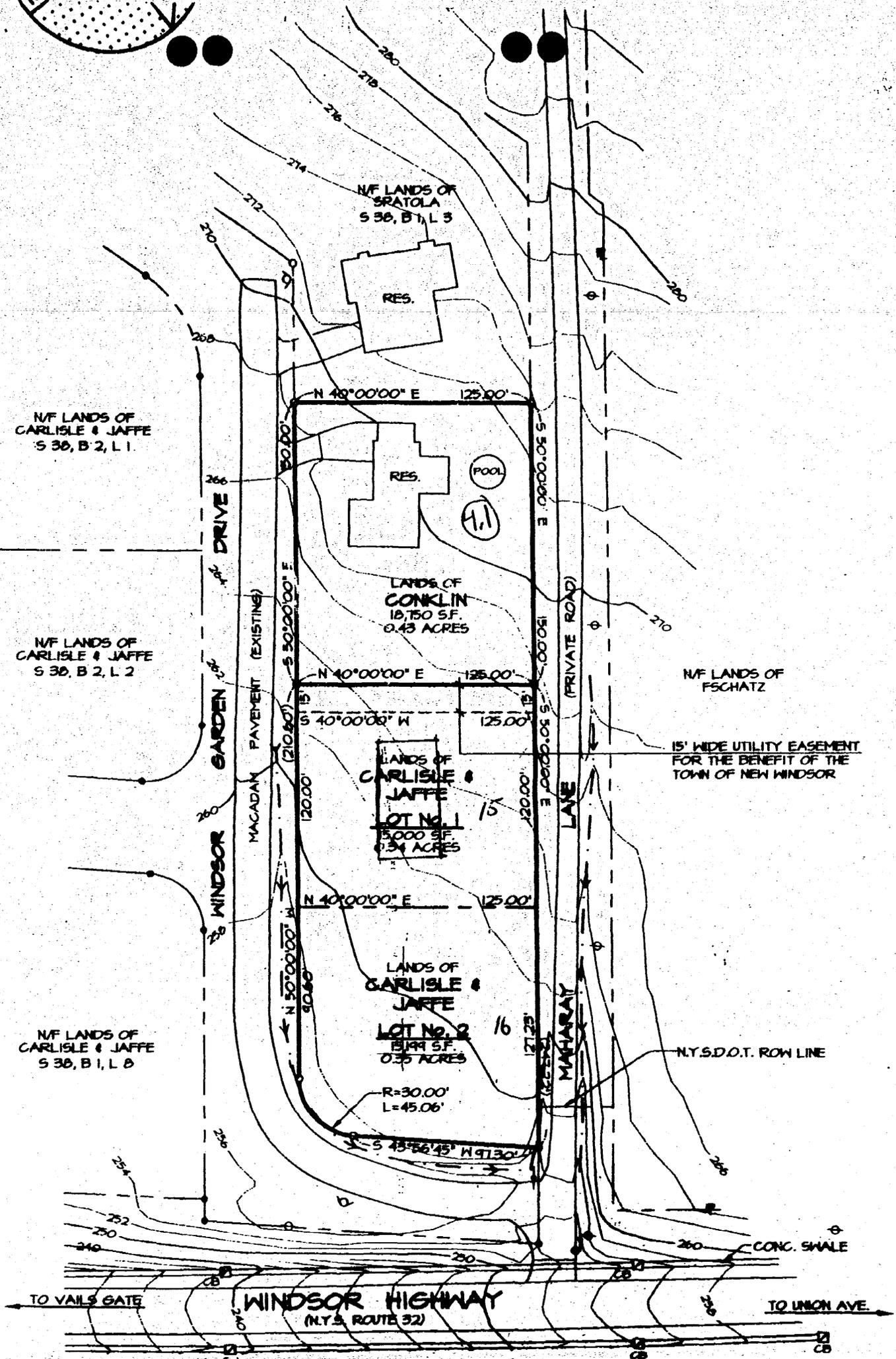
LANDS OF
CARLISLE &
JAFFE
LOT No. 1
15,000 SF
0.34 ACRES

LANDS OF
CARLISLE &
JAFFE
LOT No. 2
19,199 SF
0.35 ACRES

N/F LANDS OF
FSCHATZ

15' WIDE UTILITY EASEMENT
FOR THE BENEFIT OF THE
TOWN OF NEW WINDSOR

N.Y.S.D.O.T. ROW LINE



TO VAILS GATE

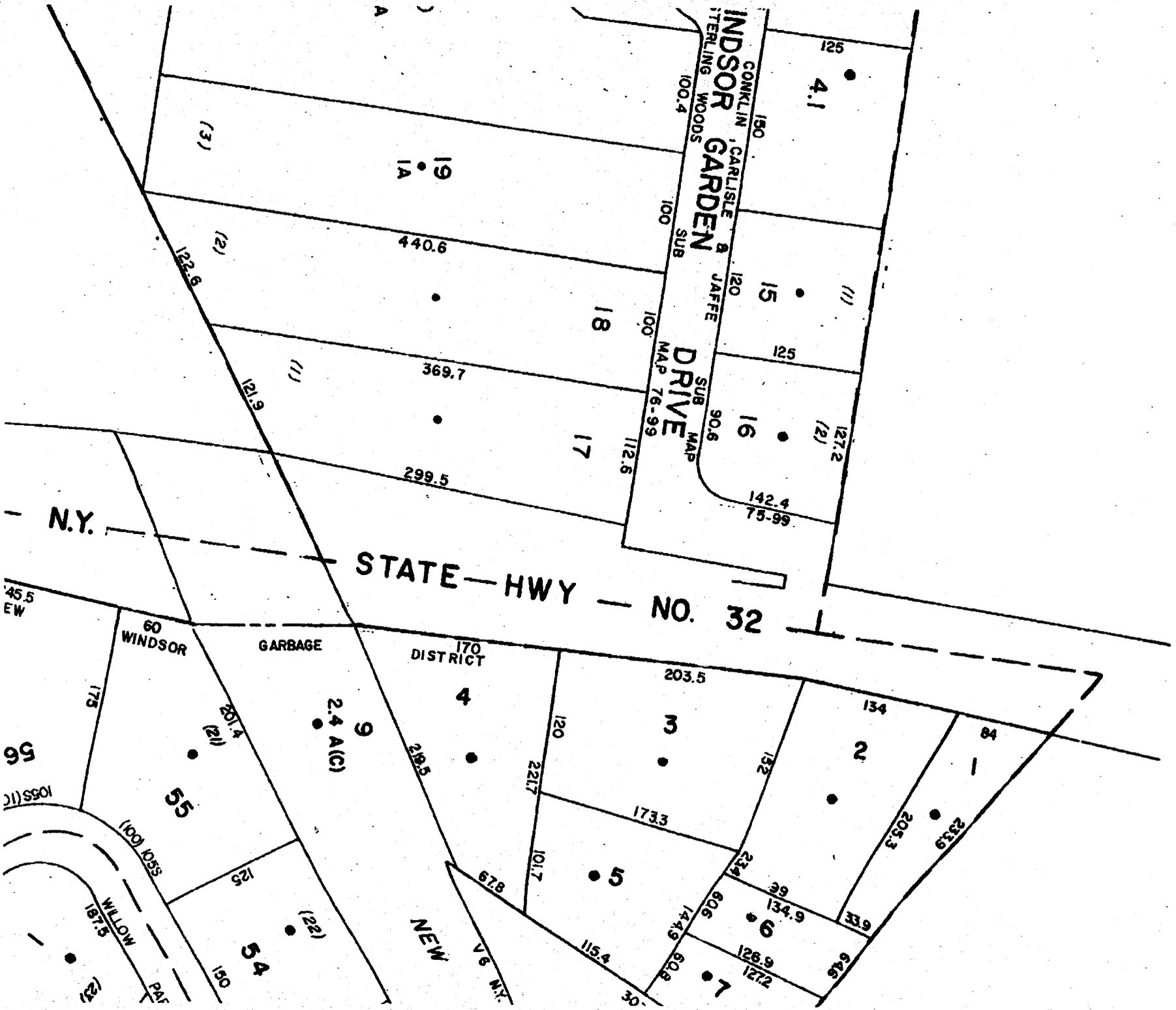
WINDSOR HIGHWAY
(N.Y.S. ROUTE 32)

TO UNION AVE.

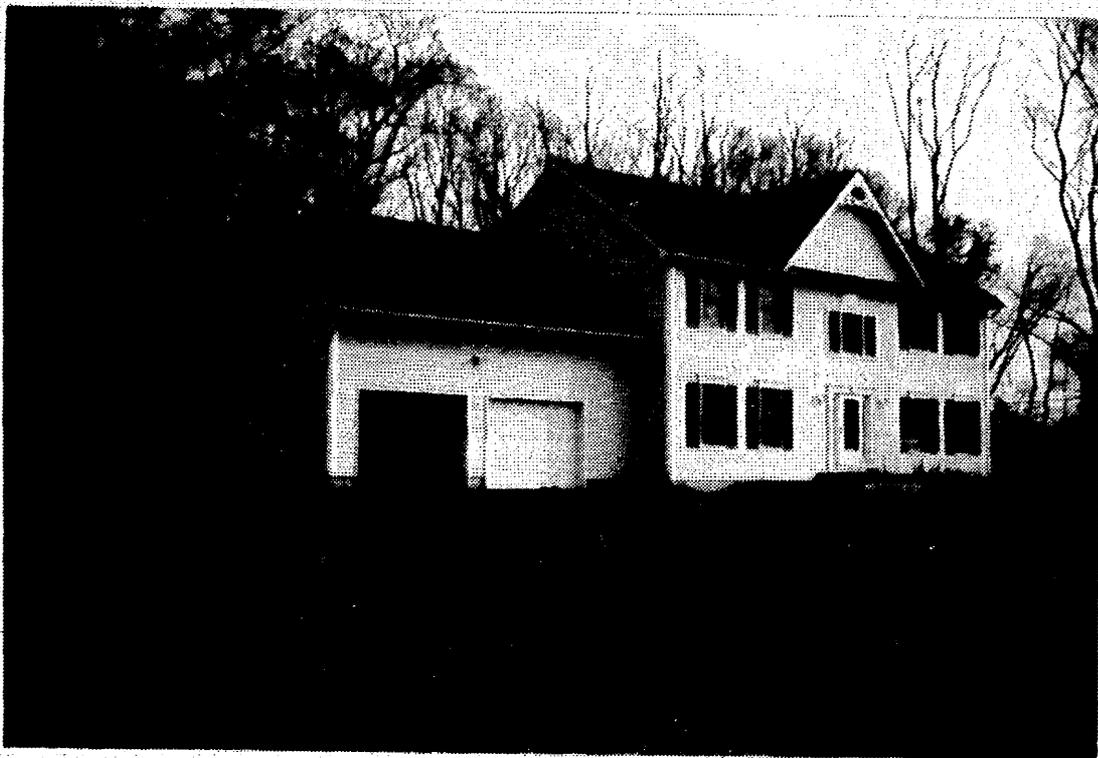
LOT LINE CHANGE PLAN

SCALE: 1"=50'

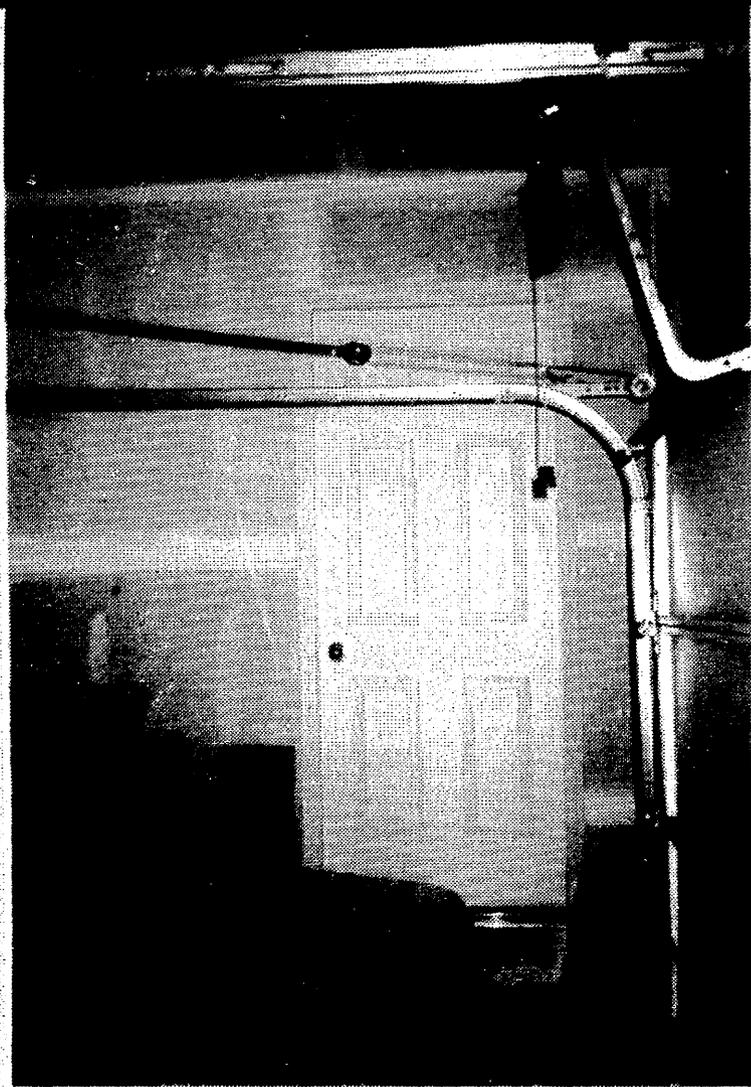












**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 03-29-2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ ^{186.00}~~114.00~~ TO CLOSE OUT
ESCROW FOR:**

ZBA FILE # 04-74

NAME & ADDRESS:

**Brian Inkeles
8 Windsor Garden Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.03-29-2005



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-74 TYPE: AREA

APPLICANT Name & Address:

Brian Inkeles
8 Windsor Garden Drive
New Windsor, NY 12553

TELEPHONE: 565-5684

RESIDENTIAL:	\$ 50.00	CHECK # <u>3989</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 3990



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>	
PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

TOTAL: \$ 44.00 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 114.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 186.00

Cc:

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Brian Juteles

DATE: January 10, 2005

SIGN-IN SHEET

NAME	ADDRESS	PHONE NUMBER
1. <u>Marian Conklin</u>	<u>14 Windsor Harder Dr.</u>	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		



RESULTS OF Z.B.A. MEETING OF: January 10, 2005

PROJECT: Briar Inkeles

ZBA # 04-74

P.B.# _____

USE VARIANCE: _____ NEED: EAF PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____	NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
GANN _____	GANN _____
LOCEY _____	LOCEY _____
RIVERA _____	RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____	MCDONALD _____ CARRIED: Y _____ N _____
REIS _____	REIS _____
KANE _____	KANE _____
PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____	APPROVED: M) _____ S) _____ VOTE: A _____ N _____
GANN _____	GANN _____
LOCEY _____	LOCEY _____
RIVERA _____	RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____	MCDONALD _____ CARRIED: Y _____ N _____
REIS _____	REIS _____
KANE _____	KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

- GANN _____
- LOCEY _____
- RIVERA _____
- MCDONALD _____
- REIS _____
- KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) RS S) G VOTE: A 5 N 0.

- GANN A
- LOCEY A
- RIVERA A
- ~~MCDONALD~~ _____
- REIS A
- KANE A

CARRIED: Y ✓ N _____

Intends to keep this as a single-family home w/ two kitchen

PUBLIC HEARINGS:

BRIAN INKELES (04-74)

Mr. Brian Inkeles appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or area variance for single-family home with two kitchens or an area variance of 50,000 s.f. for a two-family home at 8 Windsor Garden Drive. Tell us what you want to do.

MR. INKELES: Basically you want me to explain again?

MR. KANE: All of this is for the record.

MR. INKELES: What I have is I have an attached garage and above the garage is an unfinished area that when the house was built, the builder framed it all so that it could be finished at a later date and what I'd like to do I'd like to take that area, finish it off with a sitting area, a kitchenette and a bath, incorporate one of the bedrooms of my existing house in with that and that's going to be a living space for my daughter.

MR. KANE: Your intent is to keep this as a single family home and not a two family home?

MR. INKELES: Yes, I want a single-family home.

MR. KANE: That's for the record?

MR. INKELES: Yes.

MR. KANE: There's going to be only one gas and electric meter coming into the home?

MR. INKELES: Yes, all the utilities, everything is going to come back into the main house.

MR. KANE: There's no separate entrance without a viable entrance from inside the house to that apartment?

MR. INKELES: Well, no, actually because one of the bedrooms she can, we can come and go, there's a door, there will be a door in between us that's existing that there will be lots of doors in between us we can come and go.

MS. GANN: How will she get in, through the garage?

MR. INKELES: What I want to do if you see the space right over here the staircase goes up here and I want to put a door in right there. Now if you notice there's a door in the back already and when I spoke with the assessor, he said no matter what the doors are the doors are the doors the door is there anyway so it doesn't matter if you put another door on. That's what the assessor said.

MR. KANE: For the record since there's going to be no additional building onto the house officially you won't be cutting down any trees or removing substantial vegetation?

MR. INKELES: Nothing.

MR. KANE: Creating any water hazards or runoffs?

MR. INKELES: No.

MR. KANE: Obviously won't involve any easements that are on your property?

MR. INKELES: No.

MR. KANE: Have to ask all the questions for the record.

MR. INKELES: There's an easement on my property, I don't know that it matters.

MR. KANE: Oh, no, only if you were going to add something.

MR. INKELES: I'm not going anywhere, it's all inside the house.

MR. KANE: At this point, I will open it up to the public, ask if there's anybody here for this particular meeting. If you have a question, please stand, state your name and address.

MS. CONKLIN: Marian Conklin and I live at 14 Windsor Garden Drive. My only question to you is this variance is only going to state for a single-family home, in other words, this will not be considered or change the status that it would be considered a two-family home?

MR. KANE: No, that's why he's here for an interpretation. The way we write it up or the way the building department actually writes it up in their denial is to state a denial as a two-family home so that we get them on stating that there's only going to be one gas and electric in there and on record that it is going to be continuously used as a single-family home and not a two-family home. So basically if they go against that they're basically perjuring themselves too. So this is just an interpretation. You used to have, you know, the summer kitchens and the two kitchens in homes and what we found or what the building department has found is a lot of people have taken that opportunity to turn that into an illegal apartment and so what we do is when they see that second kitchen no matter what they have the homeowner come in here and request either a variance and we get everything on record.

MS. CONKLIN: Very good, it is written in our deeds

that that's only single-family homes in that particular area.

MR. KANE: That's correct and what we're going to do tonight if they agree is that we're going to find an interpretation that his use and what he's doing with that second kitchen is using it as a single-family home and that's why there has to be the open doors inside going in, it can't be closed off just entrance from the outside.

MS. CONKLIN: Thank you very much.

MR. KANE: Any other questions? At this point, we'll close it to the public, bring it back to the board. Any questions? Myra, for the record, how many mailings did we have?

MS. MASON: On December 28th, I mailed out 23 envelopes and had no response.

MR. KANE: I'll accept a motion if there's no other questions.

MR. REIS: I make a motion that we grant Mr. Brian Inkeles his interpretation as a single-family home with two kitchens at 8 Windsor Garden Drive.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

BRIAN INKELES (04-74)

MR. KANE: First preliminary meeting is Brian Inkeles.

Mr. Brian Inkeles appeared before the board for this proposal.

MR. KANE: Request for 50,000 sq. ft. minimum lot area to add a second kitchen creating a two-family residence at 8 Windsor Garden Drive. Tell us what you want to do.

MR. INKELES: Basically what I have is I have an unfinished attic that I'd like to finish and establish it as a living area for my daughter so she could move in and I'm going to incorporate one of the existing bedrooms in the existing house into that living area.

MR. KANE: This is for your daughter to use?

MR. INKELES: Yes, correct, for my daughter.

MR. KANE: Is that the sole intent at this point of putting--

MR. INKELES: Yes, just for her.

MR. KANE: So you're not going to have separate gas or electric?

MR. INKELES: No, it's all going to be connected, all the gas, electric, everything is going to be connected. The utilities are all going to run into the main utilities and the existing residence.

MR. KANE: Is Michael going to be here this evening?

MS. MASON: No.

MR. KANE: Well, 50,000 square feet is an extraordinary amount of property to access, I think what you need to do because that's what it's calling for to make this, create a two-family residence, we have done a number of things in New Windsor with adding a second kitchen to a home where they don't indicate that it's going to be a two family situation, it's all used by the same family. Showing my age, but used to have summer kitchens down in the basement, this kind of stuff.

MR. INKELES: I kept trying to do that and the building inspector kept switching it. I wanted to put it in as a one family with two kitchens and I talked to the building inspector then I talked to the assessor and they said because there's a door from the outside into the garage it automatically, and the staircase can be entered from the garage to go upstairs it automatically becomes a two family because there's an exit to the outside. That's what they told me.

MR. MINUTA: You have an individual separate means of egress?

MR. INKELES: There's a back door outside of the garage and the staircase, enclosed staircase that goes up.

MR. KANE: But inside that house with both finished areas do you have access to that, to those areas from inside your house?

MR. INKELES: Yes because I'm going to break through into the other bedroom, it's going to be, one of my bedrooms is going to be included into that living area so that there will still be a door, you know, the existing bedroom door goes right into my house.

MR. MINUTA: Can you explain the second level, second story, in other words, all the bedrooms including your daughter's is going to be combined?

MR. INKELES: Right now, it's a two story colonial, there's a garage attached to the side of the house, above the garage is a completely unfinished attic that when the house was built the builder framed so that it could be finished and what I want to do is put like a bath and a kitchen and a living room in there and then I'm going to make an archway into one of the bedrooms in my existing part there. Basically, I'm doing it so like she can have a little privacy, you know, in other words, she shouldn't have to entertain her friends in my kitchen, that kind of thing.

MR. KANE: They all end up there anyway.

MR. INKELES: I know but the whole thing behind it is basically right now I live alone in the house so all we're doing is adding one more person in a house that's pretty big.

MR. KANE: What I'd like to do if the other board members agree with this and obviously you have available about 15,000 square feet for a two-family home as far as your property for two-family home the requirement is 65,000 square feet so that makes the variance extremely substantial, what I would like to do is change your request and just add and/or interpretation to it and since we have to do everything in a public hearing, what we would do is consider the interpretation that the single family, the second kitchen would be in a single family home and used as a single family home which you'd be under oath on the record which is binding that it will never be used as a, you know, a rental apartment or anything along those lines, strictly--

MR. INKELES: That's not the purpose in doing that.

MR. KANE: So I'd like to add that on to your request so that gives us two ways to go, I just see basically

you're asking for a variance on three times the amount of property that you don't even have there, it doesn't make any sense to me.

MR. INKELES: Actually, if you see the original application for the building permit, you don't have that, I wrote right on it single family with two kitchens and everybody kept trying to make it a one-family, two-family house.

MR. MINUTA: Accept a motion?

MR. KANE: Yeah, I will.

MR. MINUTA: Make a motion that we forward Mr. Brian Inkeles to the public hearing with an altered request for the second kitchen to be part of the one-family residence and that we seek an interpretation of the zoning code.

MR. KANE: And Myra you'll make sure that that gets changed in the request?

MS. MASON: Yes, I will.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

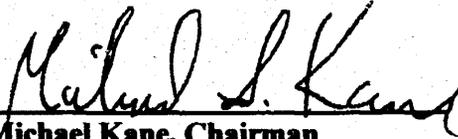
Appeal No. 04-74

Request of BRIAN INKELES

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation and/or Area Variance for: Single Family Home with two kitchens or an Area Variance of 50,000 s.f. for a two-family home in an R-5 Zone at 8 Windsor Garden Drive - New Windsor, NY (tax map #38-1-15)

PUBLIC HEARING will take place on JANUARY 10, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

December 22, 2004

Brian Inkeles
8 Windsor Garden Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-74

Dear Mr. Inkeles:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

8 Windsor Garden Drive
New Windsor, NY

is scheduled for the JANUARY 10, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: December 3, 2004

PROJECT: Brian Ortelos

ZBA # 04-74
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LOCEY _____ RIVERA _____ MCDONALD _____ CARRIED: Y _____ N _____ REIS _____ MINUTA _____ KANE _____ PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LOCEY _____ RIVERA _____ MCDONALD _____ CARRIED: Y _____ N _____ REIS _____ MINUTA _____ KANE _____	NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LOCEY _____ RIVERA _____ MCDONALD _____ CARRIED: Y _____ N _____ REIS _____ MINUTA _____ KANE _____ APPROVED: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LOCEY _____ RIVERA _____ MCDONALD _____ CARRIED: Y _____ N _____ REIS _____ MINUTA _____ KANE _____
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) HN S) UV VOTE: A _____ N _____

GANN A
 LOCEY A
 RIVERA A
 MCDONALD _____
 REIS _____ CARRIED: Y _____ N _____
 MINUTA A
 KANE A

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

GANN _____
 LOCEY _____
 RIVERA _____
 MC DONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____



Interpretation:
 Change wording to single-family w/two Kitchens

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 11-30-2004 PROJECT NUMBER: ZBA# 04-74 P.B. # _____

APPLICANT NAME: BRIAN INKELES

PERSON TO NOTIFY TO PICK UP LIST:

BRIAN INKELES
8 WINDSOR GARDEN DRIVE
NEW WINDSOR, NY

TELEPHONE: 565-5684

TAX MAP NUMBER: SEC. 38 BLOCK 1 LOT 15
 SEC. _____ BLOCK _____ LOT _____
 SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 8 WINDSOR GARDEN DRIVE
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3988

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

December 9, 2004

Brian Inkeles
8 Windsor Garden Drive
New Windsor, NY 12553

Re: 38-1-15 ZBA#: 04-74 (23)

Dear Mr. Inkeles:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

35-1-39
Dominick Scaglione
241 Temple Hill Road
New Windsor, NY 12553

35-1-110
Rosemarie & James Petro, Jr.
238 Maharay Lane
New Windsor, NY 12553

38-1-4.1
Charles & Marion Conklin
14 Windsor Garden Drive
New Windsor, NY 12553

38-1-18
Phillip & Christina Melore
3 Windsor Garden Drive
New Windsor, NY 12553

38-1-21
Carl & Petra Fiorelli
9 Windsor Garden Drive
New Windsor, NY 12553

38-3-2
Albert Richard Frangelo
P.O. Box 4624
New Windsor, NY 12553

38-3-6
Coleen & Frederick Simoni
1 Coutant Lane
New Windsor, NY 12553

38-3-55
Walter Kroll
38 Willow Parkway
New Windsor, NY 12553

35-1-40
Paul Schatz
234 Windsor Highway
New Windsor, NY 12553

35-4-3
Donald & Mary Lou Napolitani
293 Garden Street
New Windsor, NY 12553

38-1-16
Hubert & Joan Muschett
4 Windsor Garden Drive
New Windsor, NY 12553

38-1-19
Daniel & Cynthia Valeri
P.O. Box 65
Vails Gate, NY 12584

38-1-22
Dr. Mohammad Haleem Khan
Sahar Najmus
16 Green Bower Lane
New City, NY 10956

38-3-3 & 38-3-5
Norma Jean Frangelo
2 Coutant Lane
New Windsor, NY 12553

38-3-7
Christine Robles
3 Coutant Lane
New Windsor, NY 12553

Section 88
Windsor Crest Condominiums
232 Windsor Highway
New Windsor, NY 12553

35-1-62 (999-1-126) & 38-3-9
NY Central Lines, LLC
c/o CSX
500 Water Street (J-910)
Jacksonville, FL 32202

38-1-2 & 38-1-3
Marilyn Spatola
18 Windsor Garden Drive
New Windsor, NY 12553

38-1-17
Margaret Johnson-Pertet
1 Windsor Garden Drive
New Windsor, NY 12553

38-1-20
Bethel Properties, Inc.
15 Edgewood Road
Hartsdale, NY 10530

38-3-1
Grace Coutant
Donna Harrison
3 Leeland Road
Newburgh, NY 12550

38-3-4
Derekson Kornegay
245 Windsor Highway
New Windsor, NY 12553

38-3-8
Rachael McDermott
5 Coutant Lane
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 11-30-2004

FOR: 04-74 ESCROW

FROM: **BRIAN INKELES**

8 WINDSOR GARDEN DRIVE

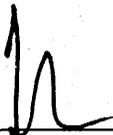
NEW WINDSOR, NY 12553

CHECK NUMBER: 3990

TELEPHONE: 565-5684

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

12/3/04
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 04-74

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1194-2004

12/03/2004

Inkeles, Brian
* Windsor Garden Dr.
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 12/03/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

COURTIN 17th AVENUE
OF CARLISLE & JAFFE
F. M. # 75-99

N 50° 00' 00" E
10.00
10 FOOT WIDE
DRAINAGE
E 50° 00' 00" W

S 13° 56' 15" W
10.02

WINDSOR GARDEN DRIVE

CERTIFIED TO:

- 1) BRIAN INKELES
- 2) HUDSON HERITAGE FEDERAL CREDIT UNION, ITS SUCCESSORS AND/OR ASSIGNS
- 3) FORTY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

SURVEY
FOR
* LOT NO. 1
LOT LINE CHANGE
BETWEEN
LANDS OF COURTIN AND
LANDS OF CARLISLE & JAFFE

TOWN OF NEW WINDSOR
SCALE: 1" = 20 FT.

ORANGE COUNTY, NY
DATE: 07, 1993 FOUNDATION
JUNE 22, 2000 FINAL

RICHARD G. BARGER
PE & LS
POST OFFICE BOX 1781



NOTES:

1. UNAUTHORIZED ALTERATION OF ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2289, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY WAS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. TITLE SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
5. SUBSURFACE STRUCTURES AND UTILITIES WHICH WERE NOT VISIBLE AT THE TIME OF THIS SURVEY HAVE NOT BEEN SHOWN.
6. ALL RIGHTS RESERVED. COPYING OR REPRODUCTION OF THIS PLAN OR ANY PORTION THEREOF PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER OR SURVEYOR.



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
**<u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Guandicheles
SIGNATURE

11/18/04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

11/18/04
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Phone Number: (845) 565-5684
Fax Number: ()
BRIAN INKELES
(Name)
8 WINDSOR GARDEN DR, NEW WINDSOR, NY
(Address)

II. Applicant:

Phone Number: (845) 565-5684
Fax Number: ()
BRIAN INKELES
(Name)
8 WINDSOR GARDEN DR, NEW WINDSOR NY
(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: (845) 565-5684
Fax Number: ()
BRIAN INKELES
(Name)
8 WINDSOR GARDEN DR, NEW WINDSOR, NY 12553
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 564-6091
Fax Number: ()
CHRISTOPHER TANSOSCH
(Name)
171 QUAKER ST, WALLKILL NY 12589
(Address)

V. Property Information:

Zone: R-5 Property Address in Question: 8 WINDSOR GARDEN DR.
Lot Size: 120x125/34th Tax Map Number: Section 38 Block 1 Lot 15
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? FEB 15, 2001
d. Has property been subdivided previously? YES If so, When: 1999
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	65,000 sq ft	15,100 sq ft	50,000 sq ft.
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The purpose of this alteration is so my daughter (a Librarian for the Wappingers School District) can live under the same roof as mine and still be afforded a measure of privacy. The outside of the structure will not change except for an additional door. Several homes on this cul-de-sac already have extended family members living in their own space under the same roof. I do not believe this will cause any negative impact on the neighborhood or my neighbors.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

No exterior change to dwelling except for an additional door to be in keeping with style and design of existing structure.

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
- One in the amount of \$ 300.00 or 500.00 (escrow)
- One in the amount of \$ 50.00 or 150.00 (application fee)
- One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

15th day of November 2004,

Brian Inkeles
 Owner's Signature (Notarized)

BRIAN INKELES
 Owner's Name (Please Print)

DL# 766-907-858 exp. 12-05-04

Jennifer Mead
 Signature and Stamp of Notary

JENNIFER MEAD
 Notary Public, State Of New York
 No. 01ME6050024
 Qualified In Orange County
 Commission Expires 10/30/2006

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.